

# HALL JURY DISAGREED Notorious Case Results in a Mistrial.

(From Saturday's daily.)

The May term of Circuit Court will close today. The jury was excused for the term yesterday, and today will be given over by Judge Robinson to hearing cases.

The jury in the case of J. W. Hall, charged with rape, failed to reach an agreement, and there being no possibility of a verdict, was discharged at 4 o'clock last evening.

The defense was closed yesterday morning, and after brief rebuttal and arguments, the jury was sent out at 2 o'clock. The defendant was on the stand and maintained his innocence of the grave charge. The theory of the defense was that Hall had been made a scapegoat for a crime committed by someone else, but for which the Halls were determined to be punished.

Attorney De Bolt in his address to the jury plainly charged that a man named Kentwell was the real culprit.

At 4 o'clock the jury reported to the court and Foreman Halbit stated that the last vote showed six for and six against conviction. A large number of ballots had already been taken and he did not believe there was any possibility of a change. Judge Robinson offered to send the jury out for additional consideration of the case, but in view of the vote the jurymen did not believe it possible to come to an agreement. Attorney Kinney for the prosecution and De Bolt for the defense both agreed to a discharge of the jury, which the court did, thanking its members for their services in the case.

On the first vote the jury stood seven to five. Hall was allowed to go upon the bond which he already has up in this case.

**NO COURT UNTIL JULY.**

Today will end the May term of court and all three judges will take a rest until July. It was the intention of Judge Humphreys to call a special term immediately upon the conclusion of the regular May term, but he has decided now not to do so until July. The reason given for this is the session of the Supreme Court beginning next Monday, following which there will be a term of court at Maui, at which quite a number of Honolulu attorneys will be in attendance. All three judges will hear chambers matters as usual from now on until the July term begins.

This morning Judge Humphreys will hear the chambers matters which were set for yesterday. Judge Robinson will finish up the business, and will hold court all day. He has six divorce cases set specially for this morning. There are still four or five criminal cases not yet heard, which will go over until July or August.

Among these are the two murder cases of Frank Godfrey and Kimura.

**THE GODFREY DECREE.**

Judge Humphreys yesterday signed the decree of Judge Kidwell vs. Godfrey and issued an injunction restraining the defendant from in any way interfering with the possession of the Manoa valley property by the plaintiff.

The decree orders:

1. That the said Frank Godfrey be and he is hereby declared to be the trustee of and for the said John Kidwell in respect to one undivided one-half of said land situated at Manoa, Honolulu, Island of Oahu, containing an area of 26.10 acres and known as Waialea.
2. That the said Frank Godfrey do forthwith execute and deliver to said John Kidwell a deed conveying to said John Kidwell any and all the interest acquired by him in said land under and by virtue of the deed executed and delivered to him by Alice Metcalf, trustee, bearing date the 8th day of January, 1902.
3. That a perpetual injunction be issued out of and under the seal of this court commanding and strictly enjoining the said Frank Godfrey, his attorneys, agents and all persons claiming any interest in said land by, through or under him, under penalty of being adjudged in contempt of this court for any disobedience thereof, to absolutely refrain and desist from proceeding in said action to quiet title filed by said Frank Godfrey against said John Kidwell in the Circuit Court of the First Circuit on the 13th day of January, 1902.
4. That the complainant have his costs, to be taxed by the clerk.

## RAINFALL OF HAWAII

The New York Tribune says: Storms in the Sandwich Islands are usually of a local character, but rarely severe. The precipitation varies there, as it does in other places, in accordance with elevation, inasmuch as mountains tend to catch and condense the moisture of clouds. Mount Washington, for instance, has several times as much rain as Portland, Me., or Burlington, Vt. In Hawaii, there are mountains of sufficient size to affect the precipitation perceptibly. During the last few months, however, even at low levels the rain has been exceptional. This is a compensation, or more than a compensation, for a severe drought in the northern part of Hawaii last year.

A report has recently been received in the United States of several short but severe storms that have visited the islands. The series began on Christmas Eve, and on the first occasion 4 1/2 inches fell inside of twenty-eight hours. Between February 28 and March 8 there were more showers which in the aggregate deposited 45 1/2 inches at low levels, while gauges at an altitude of two thousand feet recorded 77 1/2 inches. Still another storm on March 10 gave 12 1/2 inches in about eleven hours. This last visitation was limited to a small region a few miles from Honolulu. At least that city suffered less severely. A correspondent of the Engineering Record says:

Professor C. J. Lyons, Territorial meteorologist, informs the writer that the storms mentioned now hold the record on the Hawaiian Islands for their respective durations. Coming at a season when the ground is saturated, and in a country where the seaward slopes range from upward of 12 per cent, and cut up with frequent gulches, the rapidity with which run off must take place is apparent, and affords a sufficient explanation for the existence of bold gulches having depths ranging up to 200 feet and side slopes averaging about 45 degrees, but often broken into a series of precipitous drops.

# VETERANS OF THE BATTLEFIELDS OF 1861 HONOR THEIR DEAD COMRADES

(From Saturday's daily.)

MEMORIAL DAY was observed in Honolulu yesterday, as it has been for years past, the only difference being that the ranks of the Grand Army of the Republic were thinner than before, for the roll call of the dead is filling up fast. There were some who last year marched to the cemetery and participated in the honors to the dead whose names this year were graven upon the white stone tablets. A hush fell upon the multitude when a gray veteran stood in the midst of the multitude which surrounded the Grand Army burial plot and read the roll call of the dead, and tears dimmed the eyes of many of the comrades as the names were slowly repeated and no answers given.

Shortly after 2 o'clock the First Regiment, National Guard of Hawaii, in command of Lieut. Col. McCarthy, with banners flying, and headed by the Government band, under the leadership of Kappelmister Berner, swept through the capitol grounds from the Armory and marched along King street and up Aieha street, where it came to a halt, the right resting on Bereania street. Soon the veterans of George W. DeLong Post, G. A. R., drove past the long lines of infantry, drawn up at present arms, and took places behind the soldiery. At 2:30 Grand Marshal Harry Wilder gave the signal to his aides, Henry Easton and Byron Baird, to advance, and the line of march was taken up along Bereania street to Vineyard, thence to Nuuanu and thence to the cemetery. The parade was organized as follows:

Mounted Police.  
Grand Marshal Wilder and Aides.  
Detachment of Regulars from Camp McKinley.  
Lieut. Col. McCarthy and Staff.  
Government Band.  
Regimental Drum and Bugle Corps.  
First Regiment, N. G. H. First Battalion, Major Zeigler; Second Battalion, Major Camara.  
Ambulance Corps.  
Uniformed Rank of Pythias.  
Kamehameha School Band.  
Kamehameha School Cadets, Major Wilson.  
Carriage with Judge Estee and Comrade C. H. Dickey.  
G. A. R. Veterans of George W. DeLong Post No. 45.  
Commander Eaton, George W. DeLong Post No. 45.  
Governor Cooper, Adjutant General Soper, Captain Hawes and Captain Pratt.  
Staff Officers Captain Atherton, Captain White and Captain Kanaka.  
Lieutenant Colonel Girard, U. S. A., and Captain Williamson, U. S. A.  
Hon. E. P. Dole, Hon. J. H. Boyd, Hon. W. H. Wright, Hon. E. S. Boyd, Federal Officials E. R. Stackable and R. H. Chamberlain.

Upon arriving at the cemetery the veterans and their guests, the orator of the day and the artillery squad from Camp McKinley, with the Government band, filed into the cemetery and formed a hollow square around the G. A. R. burial plot. The various companies of the National Guard came singly in to the cemetery and decorated the graves of their comrades. The Kamehameha School cadets and their band went on to the Royal Mausoleum grounds and paid respects to the memories of the Kamehamehas and to their benefactress, the late Princess Bernice Pauahi Bishop.

Chairs were arranged on one side of the G. A. R. plot in which Judge Estee, the orator of the day; Governor Cooper, his staff, Federal officials and invited guests were seated. The veterans sat upon the curbing of the plot. Above all floated the Stars and Stripes at half mast, and at the foot of the flag staff was a cannon draped with the national colors. The services at the grave were conducted in the following order:

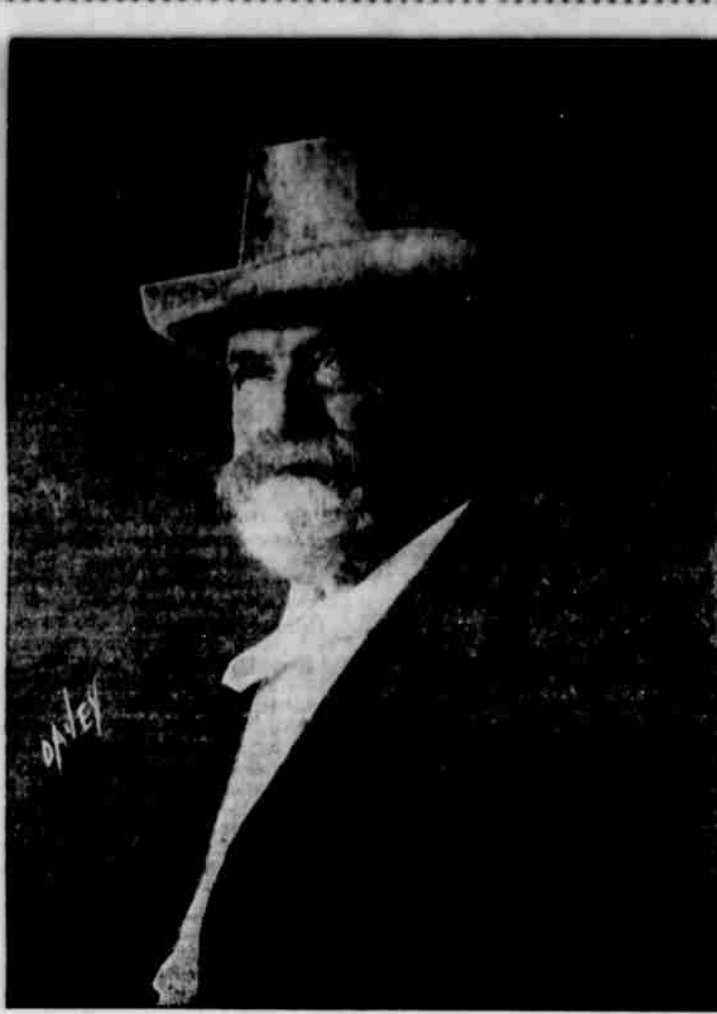
Musical ..... Band  
Ritual ..... E. A. Strout, Post Commander  
Prayer ..... Robert Nelson, Chaplain  
Ritual ..... Post Commander  
Musical ..... Band  
Oration ..... Hon. M. M. Estee  
President Lincoln's Gettysburg Address ..... Mrs. W. W. Hall  
Roll Call of the Dead .....  
..... John W. Francis, Adjutant  
Ritual ..... Chaplain  
Decorating of Graves .....  
Wm. H. Williams, Officer of the Day  
Salute the Dead .....  
"America" .....  
Benediction ..... Rev. E. S. Muckley

Judge Estee delivered the oration for the day and he was listened to with attention. He made a stirring address, teeming with patriotism and of eulogy to the men who fought for their country's flag and honor in 1861-1865, and was applauded heartily at its close. He said:

My Friends and Fellow Citizens: The thirtieth day of May will always, in America, be a day consecrated to the memory of her soldier dead. We all acknowledge our debt of gratitude to the soldiers of the rebellion. Today 50,000,000 of the American people stand uncovered in the presence of three hundred thousand of the martyred dead, who died that this country might live; who gave lives as a ransom for national life, for freedom, for union and for liberty.

It is forty years since the brave men, now silent in their graves, shouldered their guns and marched to the front to defend or to die for their country. No one who has not been tried in the crucible of a soldier's life, who has not made long and toilsome marches, who has not paced the solemn sentinels' round in the dark and storm by night, or who has not helped to form the first rank in a soldier's life means.

The man without patriotism is a man without a country, and the highest test of a man's patriotism is exhibited when he willingly defends his country in war, for the strength of a nation is in its devotion to principle and its love of right. There must be a mutual love among the people for their country. It was this devotion to principle, this love of country, so characteristic of the American people, that called to arms a million of Americans to defend the Union.



Judge M. M. Estee, the Orator of Memorial Day.

In this Republic each citizen is a part of the nation; he shares in its triumphs and in its defeats, for the people are the government. Our country is our home. Without a country we would have no home, no flag, no patriotism, no honored graves to decorate. Imagine a country with no illustrious dead. In America every national cemetery is a monument to American patriotism.

The Grand Army of the Republic of the United States as at present organized, is the most illustrious veteran association in the world. It has rallied together the living soldiers of past wars and it has glorified its heroic dead. It has declared all American wars were national wars, and that American veteran soldiers are the wards of the nation. Thus by their influence this government has provided homes for old and disabled soldiers and thereby this generation has shown that it has not forgotten the heroes of the past.

The old soldiers represent the conservation of the past and the patriotism of the present. The Grand Army of the Republic has no enemies in peace, as it has no politics in war.

They are the friends of the dead whether they were the blue or the gray. They stand for all that is American. And they know that no man can fight under the Stars and Stripes without loving that flag and the country it represents.

In no single instance have the gallant heroes of old and new wars here in this time of peril. The great Republic has always been sustained by the faithful devotion of free men. Wealth may aid in preserving a nation, but it can never alone make it great or fill the ranks of the army.

We meet today in the name of peace. There is a common brotherhood among the veterans of the war of the Rebellion whether they were the blue or the gray. Dead men are not enemies, and happily, among the living, the animosities of the rebellion are ended. All were Americans in that war, and we come here now to decorate the graves of the Union dead, but also the graves of the Confederate dead if there be any here. Mistaken they may have been but they fought a brave fight.

The greatest name which the American rebellion brought conspicuously to the front was that of Abraham Lincoln. Though he was in no sense a soldier, yet no man of ancient or modern times possessed so many of the qualities of greatness. Born among the poor, reared on the frontier, accustomed to all the hardships of pioneer life, a self-educated man with all his early friendships among the plain people of the place where he lived, he possessed a broad humanity beyond that of any man of his age. With a remarkable tenderness for human life, and a

far-reaching sense of justice, his simplicity was such that it never permitted him to appear to be other than what he was. He had nothing to conceal, his homely anecdotes were parables through which he illustrated his ideas. The speech he delivered at Gettysburg, which has just been read to you, reached the loftiest sphere of eloquence. His inaugural address even now reads like inspired words. He grows upon you as time passes; his greatness becomes more apparent as the years roll on. He never placed himself on a plane above other men. He was one of the people and his sympathies were broad enough to take in once the slave and the master. He realized that both were the creatures of circumstances which they could not control. A deep sense of wrong never inspired him with a hatred of the wrong-doer, for he was a man and nothing human was alien to him.

We look in vain among men of ancient or modern times for one so widely and so tenderly loved as was Abraham Lincoln. The crowning glory of this age is that he lived in it and the crowning glory of America is that he was one of her sons. Washington, Lincoln and McKimley are the most illustrious American characters.

The private soldiers who went to the war to maintain what they believed to be right must never be forgotten. Though their names are lost to the world their fame can never die. To coming generations all who fell upon the field of glory will be famous. These men did not go to war for personal fame. They went for a principle. Whether one reads of them on the march, in the bivouac of the camp, in the storm of battle and the shock of the contending forces, they were always animated by the same high impulse to fight for and if need be die for the cause they represented.

The American people have always recognized their obligations to the private soldier. What would Grant or Lee, Sherman or Jackson, Sheridan or Early, have done without them? The rank and file made both armies. And now, there are no officers or privates as such in the service. Death is the great leveler.

We come today to monument their dust. No acclaim of victory can reach them now. The solemn silence of the tomb envelops them. But whether they were the blue or the gray the private soldiers are the un-named heroes of the war. It is a gracious custom to decorate yearly in this public manner the graves of the soldier dead with offerings of flowers. It commemorates the deeds of those who have gone before, and it serves to keep alive in the present generation the flame of patriotism, and that love of country which will be ready

## REPUBLICANS WILL DISCUSS PLANS FOR THEIR WORK

Executive Committee Session to Be Followed  
By General Gathering at Which Senator  
Carter Will Speak.

**POLITICS** will be the theme which will occupy the attention of the various members of the official Republican body this evening. There will be a meeting held in the rooms of the Republican Territorial committee, at which there promises to be much of interest. The meeting is one of the executive committee, but according to Chairman Kennedy, there will be later a meeting of Republicans, which will be opened to all members of the central committee, the district committee of the Territory and the chairmen of all Republican organizations.

The meeting of the executive committee, according to some reports, will be devoted to more than the endorsement of applicants for office in the departments. There are said to be members who want to have certain steps taken for the immediate organization of the party for the fight of the fall, which everyone recognizes will be a hard one. These members want to see the organization put on a proper basis, and they believe that the time is at hand for this consummation. They will endeavor to have passed a resolution which will make certain leaders

responsible for the organization in the various districts, and then they will hold responsible the men upon whom the duty falls.

The features of the after meeting will be a talk by Senator George Carter, who has only returned from the mainland. While in Washington the Senator had many conversations with prominent politicians and with the executive heads. During these he had opportunities to come into direct contact with the men who have to do with national affairs, and during his conversations with them as to things Hawaiian, some of them gave to him decided impressions as to what should be done in Hawaii to bring the party together, and at the same time make it possible for the party here to work in consonance with the party on the mainland.

Senator Carter, feeling that he has had some experiences which should be at the disposal of every member of the party, will meet with the Republican forces and give the members of the various committees the results of his experience, as guidance for the future, perhaps, but at least to permit every voter to know what is being done there, how it is accomplished, and what changes in the local system would be effective.

In response to the nation's call in her hour of need. The lives of these men and their deeds, their deaths, remind us that "We can make our lives sublime, and, departing, leave behind us, Footprints on the sands of time."

Mrs. W. W. Hall followed with the historic and immortal words of the departed President in a manner which evoked enthusiastic plaudits from the multitudes of people pressing about the little space. The roll call of the dead, the decorating of the graves and other formal features of the veterans' ritual were gone through with due solemnity. The bugles blared forth in salute to the dead and as the last note expired on the breeze the United States artillerymen fired the customary three volleys. All then united in singing "America" and the services were closed with benediction said by the Rev. E. S. Muckley.

The march back to the city was made in the same manner as the first formation, with the exception that the Kamehameha cadets crossed over to Liliha street where they took the electric cars to return to their school.

### ROYAL DEAD HONORED.

Early yesterday morning Prince David Kawananakoa, accompanied by many of the former servants of the royal households, went to the Mausoleum grounds, bearing flowers and leis. Entering the mausoleum, he laid the tokens upon the caskets of all those who lie there in state. A similar office was performed at the granite monument.

### TAVERNIER'S SHAFT.

The shaft erected by the Bohemian Club over the body of the artist Tavernier, near the entrance to the cemetery grounds, was neglected yesterday. Not a leaf or a petal fell upon the grave of the renowned painter, and a kamaaina who observed the absence of decorations remarked that the artists of Honolulu should do something each Decoration day to make green his memory.

## A BLACK BLIGHT KILLS POTATOES

The Agricultural Experiment Station officials are just now hunting for a remedy for the black potato frost or blight which has spread to the farms in the North Kohala district on Hawaii. Some time ago the blight was reported to be doing considerable damage on Maui, but this is the first time that it has been reported to Director Jared Smith from Hawaii. The same remedies which are now being experimented with on Maui will be sent to Judge Atkins of the Balanona farm in North Kohala, where the potatoes are suffering from the blight.

Judge Atkins writes concerning his trouble: "I send by parcel post a package containing potato tops, in order that you may investigate if possible the reason for the potatoes turning black before they are half matured."

"The leaves turn black in spots at first, then all the leaves turn the same color, and the stalk dies before the potato is more than half matured. We used to raise the best potatoes on the Islands in the Kohala district, but for the last three years our crops have been an entire failure. I used fresh seed from California these last two years, but it turned out just the same. To all appearances the potatoes look as if the black frost had struck them, only that the whole field turns black at the same time. The frost generally begins at one end of the field and in about a week or ten days will gradually cover the entire field."

Assistant Director Sedgwick has taken up the matter and will attempt to secure some remedy for the disease. Experiments are now being conducted in the Kula district on Maui, and as a result of these investigations some remedy for the "black frost" may be discovered.

The condition of John A. Hassinger is reported as slightly improved.

### READ IT IN HIS NEWSPAPER.

George Schaub, a well known German citizen of New Lebanon, O., U. S. A., is a constant reader of the Dayton Volkszeitung. He knows that this paper aims to advertise only the best in its columns, and when he saw Chamberlain's Pain Balm advertised therein for lame back, he did not hesitate in buying a bottle of it for his wife, who for eight weeks had suffered with the most terrible pains in her back and could get no relief. He says: "After using the Pain Balm for a few days my wife says to me, 'I feel as though born anew,' and before using the entire contents of the bottle the unbearable pains had entirely vanished, and she could again take up her household duties." He is very thankful and hopes that all suffering likewise will hear of her wonderful recovery. This valuable liniment is for sale by all dealers and druggists. Benson, Smith & Co. Ltd., agents for Hawaii.

## Our Soda Water

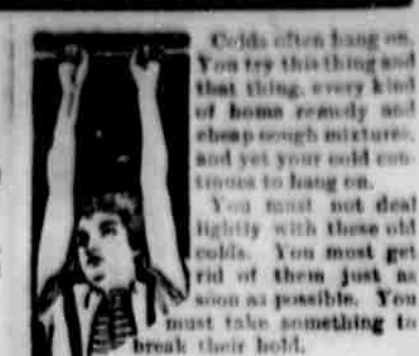
GINGER ALE, CREAM SODA, KUMEL, ROOT BEER, Etc.,

Is sweetened by the use of pure cane sugar. We use no cheap substitute, ONE REASON WHY our beverages are the best and the most popular.

Prompt delivery anywhere and everywhere in the city and Wai-iki.

Consolidated Soda Water Works

COMPANY, LTD.  
Telephone Ma'n 71.  
Works 661 Fort street.



## Ayer's Cherry Pectoral

soothes irritable throats, heals inflamed bronchial tubes, and quiets congestion in the lungs. This is why it so quickly controls these old coughs and prevents pneumonia and consumption.

"I was troubled with a very hard cough which I could not get rid of. When I read of Ayer's Cherry Pectoral I sent to Johannesburg and procured a bottle. It completely cured me, and I have many comrades here who have had hard coughs cured in the same way."

—Wm. Sessions, Company C, Second Regt. Berks Reg., Nel's Spruit, Transvaal, S. Africa.

There are many substitutes and imitations. Beware of them! Be sure you get Ayer's Cherry Pectoral.

Two sizes. Large and small bottles.

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.

HOLLISTER DRUG CO., Agents.

## Five Beautiful Presents

- 1 Jewel 6 Hole Range.
- 1 Gurney 4 Door Refrigerator.
- 1 Decorated China Dinner, Breakfast and Tea Set.
- 1 Etched Glass Complete Table Service.
- 1 Complete Set of Table Silverware and Cutlery.

The price of each of the above mentioned articles is \$40. These will be given away on July 1st to customers who purchase goods of us on or after March 15, 1902. For the purpose of distributing these goods to those entitled to receive them we will, commencing March 15th, present a numbered certificate of purchase to each purchaser of one dollar's worth of goods at our store. This will be in addition to the usual 5 per cent off for cash.

These desirable gifts are now on exhibition in our large front windows. They will be distributed fairly among our customers, and in accordance with law.

## W. W. Dimond & Co. LIMITED.

88-89 King Street, Honolulu.

## INSURANCE

Theo. H. Davies & Co.  
(Limited.)

AGENTS FOR FIRE, LIFE AND MARINE INSURANCE.

Northern Assurance Company,  
OF LONDON, FOR FIRE AND LIFE. Established 1834. Accumulated Funds £3,975,000.

British and Foreign Marine Ins. Co

OF LIVERPOOL, FOR MARINE. Capital £1,000,000.

Reduction of Rates. Immediate Payment of Claims.

THEO. H. DAVIES & CO., LTD.

AGENTS.